

REMARKS

In light of the above amendments and following remarks, reconsideration and allowance of this application are respectfully requested.

It is submitted that the claims in this application, as originally presented, are patentably distinct over the prior art cited by the Examiner, and that these claims were in full compliance with the requirements of 35 U.S.C. §112. Changes to these claims, as presented herein, are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification, to make express that which was implicit, for cosmetic purposes, and to round out the scope of protection to which Applicants are entitled.

Claims 1-34 are in this application.

A telephone conference between the Examiner and Dennis Smid (one of the applicants' undersigned attorneys) was held on December 6, 2004. The applicants and Mr. Smid wish to thank the Examiner for his time and consideration for such conference.

The Examiner rejected claims 1-34 under 35 U.S.C. §102(b) as being anticipated by Chery et al. (U.S. Patent No. 6,124,847).

Amended independent claim 1 recites in part the following:

"An oscilloscope apparatus operable to measure electrical signals, said oscilloscope apparatus comprising:

a display for displaying a plurality of data signals acquired and processed by the oscilloscope;

...
a toolbar comprising a plurality of choices displayed on said display, the displayed plurality of choices being selected from among a universal set of choices, only the most common ones of said universal set of choices that apply to the selected data signal determined by the characteristics of the type of selected data signal being displayed in the toolbar, the selected data signal being defined as the data source for the displayed items of the toolbar.”
(Emphasis ours.)

As discussed during the December 6th interview, it is respectfully submitted that Chery as applied by the Examiner (hereinafter, merely “Chery”) does not disclose the above emphasized features of claim 1. Additionally, and as discussed during this interview, each of the independent claims have been amended herein.

Further, during the December 6th interview, the Examiner indicated that Chery does not disclose “a toolbar comprising a plurality of choices displayed on said display, the displayed plurality of choices being selected from among a universal set of choices, only the most common ones of said universal set of choices that apply to the selected data signal determined by the characteristics of the type of selected data signal being displayed in the toolbar ...,” as in claim 1. Accordingly, it is believed that claim 1 is distinguishable from Chery.

For reasons similar to or somewhat similar to those described above with regard to independent claim 1, independent claims 18, 24, 28 and 29 are also believed to be distinguishable from Chery.

Applicants submit that claims 2-17, 19-23, 25-27, and 30-34 depend, either directly or indirectly, from one of the independent claims and are therefore distinguishable for at least this reason alone.

Applicants therefore respectfully request that the rejection of claims 1-34 under 35 U.S.C. §102(b) be withdrawn.

In the event, that the Examiner disagrees with any of the foregoing comments concerning the disclosures in the applied reference, it is requested that the Examiner indicate where in the reference, there is the bases for a contrary view.

In view of the foregoing, entry of this amendment and these remarks and withdrawal of the rejection of claims 1-34 and the allowance of this application with claims 1-34 are respectfully requested.

Please charge any fees incurred by reason of this response and not paid herewith to Deposit Account No. 50-0320.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP
Attorneys for Applicants

By 
Dennis M. Smid
Reg. No. 34,930
(212) 588-0800